

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER L. DECOTEAU,

Plaintiff,

v.

ROBERT HOUSTON, MICHAEL
KENNEY, RANDY KOHL, DIANE
SABAKA RHINE, CHRISTINA
FERGUSON, CHARLES COREN,
and KHRYSTYNA DORITY,

Defendants.

4:14CV3165

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's requests for the appointment of counsel and extension of time (Filing Nos. [44](#) and [47](#)). Upon careful consideration,

IT IS ORDERED that:

1. Plaintiff's request for the appointment of counsel is denied without prejudice to reassertion. The court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel[.]" *Id.* (internal citation and quotation marks omitted). No such benefit is apparent here at this time.

2. Plaintiff's unopposed request for a 120-day extension of time is granted. The dates set forth in the progression order entered on October 8, 2015, are extended by 120 days. The pretrial conference set for April 14, 2016, is cancelled. The final pretrial conference will be held before Magistrate Judge Zwart on **August 11, 2016, at 10:00 a.m.**

DATED this 30th day of December, 2015.

BY THE COURT:

s/ John M. Gerrard

United States District Judge

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